

**BY ORDER OF THE COMMANDER  
56TH FIGHTER WING (AETC)**

**LUKE AFB INSTRUCTION 51-905**

**27 SEPTEMBER 2011**



**Law**

**DEBARMENT PROGRAM**

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This instruction provides policies and procedures whereby individuals may be debarred from Luke Air Force Base (AFB). It is for the use of unit commanders, 56th Security Forces Squadron (56 SFS), Military Personnel Flight (56 FSS/FSM), Civilian Personnel Section (56 FSS/FSMC), Non-Appropriated Funds (NAF) Human Resource Office (56 FSS/FSMH), and the Staff Judge Advocate (56 FW/JA), in administering debarment procedures against those individuals whose presence constitutes a particular or potential threat or detriment to the mission or personnel of the installation. This instruction applies to all individuals assigned or attached to, residing at, working on, or visiting Luke AFB. This publication also applies to the U. S. Air Force Reserve units and members attached or assigned to Luke AFB. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional's chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS) located at

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**SUMMARY OF CHANGES**

**This instruction is substantially revised and must be completely reviewed.** Changes include title changed from Insta-Bar Program to Debarment Program and formatting.

**1. Authority.** Commanders of military installations may summarily bar persons whose presence, in their judgment, might hinder the mission or adversely affect the health, safety, or morale of the persons assigned there. This authority proceeds from Article 1, Section 3, and Article 2, Section 2, of the United States Constitution; Title 50, United States Code, Section 797, and DoDD 5200.8, Security of Department of Defense (DoD) Installations and Resources. Under Title 18, United States Code, Section 1382, a person who violates an order not to enter or reenter may be prosecuted in federal court and may be fined not more than \$5,000.00, or imprisoned not more than six months, or both.

## **2. Immediate Debarment Order**

2.1. Immediate debarment applies only to “unaffiliated civilians,” which are defined as all individuals *except* DD Form 1173, *Uniformed Services Identification and Privilege Card*, identification card holders, civilian employees of Luke AFB (to include NAF employees) and active or reserve military members.

2.2. 56 SFS will serve an Immediate Debarment Order to all subjects who have committed the offenses determined by the 56th Fighter Wing Commander (56 FW/CC) to be prejudicial to the good order and discipline of Luke AFB, as listed in paragraph 9.

2.2.1. When an on-duty Security Forces member determines that an unaffiliated civilian has committed an offense listed in paragraph 9, the SFS member will contact his flight chief to coordinate the issuance of an Immediate Debarment Order. If, after coordination with the flight chief, SFS desires consultation regarding whether an offense listed in paragraph 9 has been committed, the SFS member will contact the on-call Judge Advocate General (JAG) over the phone (623-337-6548) for assistance.

2.2.1.1. The Immediate Debarment Order will include the act committed as listed in paragraph 9, the date and location of the offense, the length of debarment in accordance with paragraph 9, the right of the subject to appeal the debarment, the address of the appeals office (56 FW/CC through 56 FW/JA), and a receipt acknowledgement signature line for the subject. A sample copy of the Immediate Debarment Order is located at Attachment 1.

2.2.1.2. Subjects are to be read the Immediate Debarment Order and sign a receipt for the order. The subject will acknowledge receipt by signing and dating a prepared endorsement on the bottom of the Immediate Debarment Order. All copies of the Immediate Debarment Order must contain this endorsement. If subject refuses to sign the endorsement, the issuing member should write “Subject refused to sign” in the signature block and sign their name and date below that statement.

2.3. The effect of the Immediate Debarment Order is immediate and continuous throughout the appeal process.

2.4. A copy of every Immediate Debarment Order served on a subject, along with any incident report or related information, will be forwarded to 56 FW/JA.

## **3. Initiation of Debarment Action for DD Form 1173 Identification Card Holders, Civilian Employees of Luke AFB (to include NAF Employees), and Active or Reserve Military Members.**

3.1. 56 FW/JA may initiate a debarment action on a case-by-case basis against DD Form 1173 identification card holders, civilian employees of Luke AFB (to include NAF employees), or active or reserve military members, at the request of 56 FSS/FSM, 56 FSS/FSMC, 56 FSS/FSMH, 56 SFS, or unit commanders.

3.2. 56 FW/JA will review all administrative discharge packages to determine whether the presence on base of the member pending discharge would be prejudicial to the good order and discipline of Luke AFB. If a review concludes debarment is warranted, 56 FW/JA will prepare a debarment package in accordance with paragraph 3.6; the debarment will become effective on the date the member is out-processed.

3.3. 56 FSS/FSMC will review and coordinate on all debarment packages for base civilian employees who are being removed for cause, or who resign prior to removal action. All bargaining unit employees or other employees represented by the Union will retain the right to enter the base for the purpose of meeting with their Union representatives. All debarment orders issued to such persons will include language that states their right to enter the base for the purpose of meeting with their Union representatives. 56 FW/JA will notify the Union of all debarment actions initiated against all bargaining unit employees or other employees represented by the Union. If debarment is warranted, 56 FW/JA will prepare the package in accordance with paragraph 3.6. All debarred persons entering the base for the purpose of Union representation must be escorted to and from their destination on base by their Union representative. Union officials debarred from base may enter the base for the purpose of fulfilling Union representation duties.

3.4. Either NAF Human Resource Office (56 FSS/FSMH) or Army & Air Force Exchange Service (AAFES) Human Resources Office, as appropriate, will review and coordinate on all debarment packages for base NAFs employees who are being removed for cause, or who resign prior to removal action. If debarment is warranted, 56 FW/JA will prepare the package in accordance with paragraph 3.6. All employees represented by the Union will retain the right to enter the base for the purpose of meeting with their Union representatives. All debarment letters issued to such persons will include language that states their right to enter the base for the purpose of meeting with their Union representatives. 56 FW/JA will notify the Union of all debarment actions initiated against employees represented by the Union. All debarred persons entering the base for the purpose of Union representation must be escorted to and from their destination on base by their Union representative. Union officials barred from base may enter the base for the purpose of fulfilling Union representation duties.

3.5. Information regarding any other individual to be debarred is to be forwarded to 56 FW/JA. 56 FW/JA will prepare debarment packages in accordance with paragraph 3.6.

3.6. Preparation of debarment package. Each debarment package will, at a minimum, consist of the following:

3.6.1. AF Form 1768, Staff Summary Sheet, summarizing why debarment is warranted, with a recommendation for a term of debarment.

3.6.2. Evidence supporting request for debarment.

3.6.3. Legal review of debarment.

#### 3.6.4. Proposed debarment order.

3.7. 56 FW/CC must review the package and make the final decision on the recommended action. 56 FW/CC will sign debarment orders: This authority may not be delegated to subordinates. The package is then returned to 56 FW/JA who will inform 56 FSS/FSMC, 56 FSS/FSMH, or the subject's commander of 56 FW/CC's decision.

3.8. After a debarment order is signed the package will be forwarded to 56 SFS for update of the existing debarment list.

3.9. The effect of the debarment is immediate upon receipt by the debarred individual and remains in effect throughout the appeal process.

### 4. Distribution and File of Debarment Order.

4.1. When possible, debarment orders that are issued in conjunction with resignation, removal for cause, or discharge will be served to the subject of the order by supervisors (for civilian employees), commanders (for military members), or their delegates.

4.2. 56 FW/JA will mail debarment orders that are not Immediate Debarment Orders and are not personally served on debarred individuals.

4.2.1. Mailing Debarment Order. The debarment order will be sent to the subject by certified mail with an envelope marked "Deliver to Addressee Only." In every case of mailing, a certificate of service must be completed. When the PS Form 3811, Domestic Return Receipt, is returned to the sender and reflects delivery made, the PS Form 3811 will be attached (stapled) to the file copy of the debarment order. If PS Form 3811 is returned with the remarks "unclaimed," a recheck for proper address, etc., must be accomplished and a second mailing completed. If the second notice is returned "unclaimed," both PS Forms 3811 must be attached to the original copy of the Order and placed in the debarment package. No further attempts will be made to locate the subject unless new verified data becomes available. The subject's name will be added to the master debarment list. Should the subject attempt to enter or be detected on base, an Immediate Debarment Order will be issued by 56 SFS.

4.3. 56 FW/JA is responsible for maintaining debarment files in accordance with AFMAN 33-363, *Management of Records*. The debarment package must contain:

4.3.1. AF Form 1768 with all coordination and reason for debarment.

4.3.2. A copy of the debarment order.

4.3.3. Certificate of service (if used).

4.3.4. Certified mail receipt (if appropriate).

4.3.5. Other documentation used as a basis for debarment.

**5. Debarment Period.** Debarment is for a two-year period unless circumstances warrant a longer or shorter duration. Please refer to paragraph 9 for increased duration periods. For circumstances not listed in paragraph 9, 56 FW/JA will recommend a term of debarment to 56 FW/CC. The debarment will automatically expire at the end of the debarment term.

**6. Base Debarment List.** All persons debarred from Luke AFB will be placed on a master base debarment list (computerized) updated monthly by 56 SFS/S5AR. Recipients and users of the

list are responsible for ensuring persons thereon are not granted entry to the base unless approved by the appropriate authority. The debarment list will be marked "For Official Use Only" (FOUO). Each recipient agency must follow safeguarding and control rules for FOUO and Privacy Act protected information.

**7. Appeals.** Debarred persons may request permission to reenter Luke AFB. Such requests will be submitted to 56 FW/CC in writing. 56 FW/CC is the authority to review and act on requests to reenter on a limited, case-by-case basis, submitted by anyone previously and henceforth barred from the installation. 56 FW/JA will process requests for entry by preparing and forwarding a staff package to 56 FW/CC. Any base agency receiving a request for reentry from a debarred person must send the request to 56 FW/JA for processing. The package must contain:

- 7.1. AF Form 1768 summarizing the request and cause for debarment.
- 7.2. Letter of request.
- 7.3. A proposed reply to the requester.
- 7.4. Any other data considered appropriate.

**8. Modification of Debarment Orders.** 56 FW/CC may modify debarment orders if situations warrant. The originating agency or 56 FW/JA may recommend modifications.

**9. Immediate Debarment Orders.** When sufficient evidence supports the commission of the following acts by an unaffiliated civilian on base at Luke AFB they will be immediately debarred by order of 56 FW/CC.

9.1. Subjects committing the following offenses shall be debarred for a period of 2 years:

- 9.1.1. Contributing to the Delinquency of a Minor
- 9.1.2. Use of Unauthorized Entry Point or "Hopping The Fence"
- 9.1.3. Driving with a Suspended or Revoked License
- 9.1.4. Driving Without Insurance
- 9.1.5. Driving While Under the Influence of Drugs
- 9.1.6. Possession of Drugs
- 9.1.7. Driving Under the Influence (DUI)
- 9.1.8. Use of False Identification
- 9.1.9. Hit and Run
- 9.1.10. Reckless Driving
- 9.1.11. Refusal to Submit to or Failure to Complete Chemical Test
- 9.1.12. Shoplifting (1st Offense)
- 9.1.13. Resisting Arrest or Apprehension
- 9.1.14. Willful Damage to Private or Government Property
- 9.1.15. Violation of a No Contact Order
- 9.1.16. Assault

9.1.17. Unauthorized Solicitation (2nd Offense)

9.2. Subjects committing the following offenses shall be debarred for a period of 10 years:

9.2.1. Aggravated Assault

9.2.2. Carrying Unauthorized Weapon

9.2.3. Breaking And Entering

9.2.4. Indecent Exposure

9.2.5. Robbery, Burglary, Larceny (Other Than Shoplifting)

9.2.6. Running the Gate

9.2.7. Sexual Assault

9.2.8. Arson

9.2.9. Drug Distribution

9.2.10. Bomb or Explosive Threat or Hoax

9.2.11. Shoplifting (2nd or Greater Offense)

KURT F. NEUBAUER, Brigadier General, USAF  
Commander

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Article 1, Section 3, and Article 2, Section 2, of the United States Constitution; Title 50, United States Code, Section 797

DoDD 5200.8, Security of DoD Installations and Resources, 10 December 2005

AFMAN 33-363, *Management of Records*, 1 March 2008

***Adopted Forms***

AF Form 847, *Recommendation for Change of Publication*

AF Form 1768, *Staff Summary Sheet*

DD Form, 1173, *Uniformed Services Identification and Privilege Card*

PS Form 3811, *Domestic Return Receipt*

***Abbreviations and Acronyms***

**AAFES**—Army & Air Force Exchange Service

**AFB**—Air Force Base

**AFMAN**—Air Force Manual

**AFRC**—Air Force Reserve Command

**AFRIMS**—Air Force Records Information Management System

**ANG**—Air National Guard

**CC**—Commander

**DoD**—Department of Defense

**DUI**—Driving Under the Influence

**FSM**—Military Personnel Flight

**FSMC**—Civilian Personnel Section

**FSS**—Force Support Squadron

**FOUO**—For Official Use Only

**FW**—Fighter Wing

**JA**—Judge Advocate

**NAF**—Non-Appropriated Funds

**OPR**—Office of Primary Responsibility

**RDS**—Records Disposition Schedule

**SJA**—Staff Judge Advocate

## Attachment 2

## SAMPLE IMMEDIATE DEBARMENT ORDER

MEMORANDUM FOR \_\_\_\_\_

FROM: 56 FW/CC  
56th Fighter Wing  
Luke AFB, Arizona 85309

SUBJECT: Immediate Debarment Order

1. On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, you were detained for \_\_\_\_\_ at \_\_\_\_\_,  
Luke AFB, Arizona.

2. Because of your actions, your continued presence on this installation is detrimental to the maintenance of good order and discipline. You are prohibited from entering Luke AFB, to include all annexes and lease-back facilities, for a period of \_\_\_\_ years, effective the date of the incident. If you are entitled to medical treatment at Base Medical Facilities, **you may enter the base for the sole purpose of obtaining medical treatment.** To do so, you must present this letter to the security forces personnel at the main gate and obtain the appropriate visitor pass. You may not deviate from this route, nor stop for any reason on your way to and from the facility.

3. Should you reenter Luke AFB, to include all annexes and lease-back facilities, in violation of this order, without having received prior approval, you will be subject to detention by the security forces for delivery to the appropriate civilian or military authorities. In addition, if you fail to comply with this order, you will be subject to prosecution under Title 18, USC, Section 1382, entitled Entering Military, Naval, or Coast Guard Property, which reads:

*Whoever, within the jurisdiction of the United States, goes upon any Military, Naval or Coast Guard reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation; or,*

*Whoever reenters or is found within any such reservation, post, fort, arsenal, yard, station or installation after having been removed therefrom, or ordered not to reenter by any officer or person in command or charge thereof—*

*Shall be fined under this title or imprisoned not more than six months, or both.*

4. Under extraordinary circumstances, appeals of this order and requests for temporary access to facilities on Luke AFB may be granted. Such requests should be submitted to this office in writing within 10 days prior to the date needed, through 56th Fighter Wing Staff Judge Advocate, at 56 FW/JA, 7383 N. Litchfield Road, STE 2040, Luke AFB, AZ 85309.

5. This order will remain in effect unless otherwise modified or revoked in writing by the Commander, 56th Fighter Wing, Luke AFB. If a compelling reason exists which you believe should be sufficient to justify modification or termination of this order, you may submit your written justification within 10 days of receipt of this debarment notification through the 56th Fighter Wing Staff Judge Advocate, at the address listed in paragraph 4.

6. Please date and sign above your printed name. You may retain a copy for your records.

KURT F. NEUBAUER  
Brigadier General  
Commander

cc:

56 SFS

56 FW/JA

1st Ind, \_\_\_\_\_

MEMORANDUM FOR 56 FW/CC

This is to certify that I have received the foregoing debarment order in writing, and have read and fully understand it. I understand that my entry onto Luke AFB in violation of this order may result in civilian prosecution pursuant to 18 U.S.C. § 1382.

Received and signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, 1st Ind

2nd Ind, 56 SFS

MEMORANDUM FOR 56 FW/CC

This is to certify that I have served a copy of the foregoing letter in person to

\_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, 56 SFS Representative

## Attachment 3

## SAMPLE ACTIVE DUTY DEBARMENT ORDER

MEMORANDUM FOR A1C JOHN D. DOE

FROM: 56 FW/CC

SUBJECT: Debarment from Luke AFB, Arizona

1. On 14 Feb 06, you were notified you were being recommended for administrative discharge for Misconduct: A Pattern of Misconduct, Conduct Prejudicial to Good Order and Discipline.
2. Based upon this recommendation, I consider your continued presence on this installation to be detrimental to the maintenance of good order and discipline. Effective immediately, you are ordered not to enter Luke AFB, to include all annexes and lease-back facilities, for a period of two years. Should any compelling reason exist that you believe is sufficient to justify a modification or termination of this order, submit such reason, in writing, to 56 FW/JA, 7383 N. Litchfield Road, STE 2040, Luke AFB, AZ 85309.
3. If you fail to comply with this order, you will be in violation of Title 18, United States Code, Section 1382, which reads:

*Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or*

*Whoever reenters or is found within such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof --*

*Shall be fined under this title or imprisoned not more than six months, or both.*

4. Should you reenter or be found within the limits of Luke AFB, to include all annexes and lease-back facilities, in violation of this order, you will be subject to apprehension and detention by military authorities for prompt delivery to the appropriate civil or military authority.
5. If you are entitled to medical treatment at Base Medical Facilities, **you may enter the base for the sole purpose of obtaining medical treatment.** To do so, you must present this letter to the security forces personnel at the main gate and obtain the appropriate visitor pass. You may not deviate from this route, nor stop for any reason on your way to and from the facility.

6. This order will remain in effect until revoked or modified, in writing, by the installation commander. If you desire reconsideration or modification of this order, you may present your justification to me, in writing, through the Staff Judge Advocate at Luke AFB.

KURT F. NEUBAUER,  
Brigadier General, USAF  
Commander

1st Ind, A1C JOHN D. DOE

MEMORANDUM FOR 56 FW/CC

This is to certify that I have received the foregoing debarment order in writing, and have read and fully understand it. I understand that my entry onto Luke AFB in violation of this order may result in federal prosecution pursuant to 18 U.S.C. § 1382 or the Uniform Code of Military Justice.

Received and signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, A1C JOHN D. DOE

2nd Ind, \_\_\_\_\_

MEMORANDUM FOR 56 FW/CC

This is to certify that I have served a copy of the foregoing letter in person to A1C JOHN D. JOE, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, \_\_\_\_\_ Representative

## Attachment 4

## SAMPLE CIVILIAN EMPLOYEE DEBARMENT ORDER

MEMORANDUM FOR MR. JOHN D. DOE

FROM: 56 FW/CC  
14185 West Falcon Street  
Luke AFB, AZ 85309-1629

SUBJECT: Debarment from Luke AFB, Arizona

1. On 16 May 07, you were notified you were being removed for cause, or you submitted your resignation prior to removal action.
2. Based upon this recommendation, I consider your continued presence on this installation to be detrimental to the maintenance of good order and discipline. Effective immediately, you are ordered not to enter Luke AFB, to include all annexes and lease-back facilities, for a period of two years. Should any compelling reason exist that you believe is sufficient to justify a modification or termination of this order, submit such reason, in writing, to 56 FW/JA, 7383 N. Litchfield Road, Suite 2040, Luke AFB, AZ 85309.

3. If you fail to comply with this order, you will be in violation of Title 18, United States Code, Section 1382, which reads:

*Whoever, within the jurisdiction of the United States, goes upon any military, naval, or Coast Guard reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation; or*

*Whoever reenters or is found within such reservation, post, fort, arsenal, yard, station, or installation, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof --*

*Shall be fined under this title or imprisoned not more than six months, or both.*

4. Should you reenter or be found within the limits of Luke AFB, to include all annexes and lease-back facilities, in violation of this order, you will be subject to detention by military authorities for prompt delivery to the appropriate civil authority.
5. If you are entitled to medical treatment at Base Medical Facilities, **you may enter the base for the sole purpose of obtaining medical treatment.** To do so, you must present this letter to the security forces personnel at the main gate and obtain the appropriate visitor pass. You may not deviate from this route, nor stop for any reason on your way to and from the facility.
6. This order will remain in effect until revoked or modified, in writing, by the installation commander. If you desire reconsideration or modification of this order, you may present your justification to me, in writing, through the Staff Judge Advocate at Luke AFB.

KURT F. NEUBAUER  
Brigadier General, USAF  
Commander

1st Ind, MR. JOHN D. DOE

MEMORANDUM FOR 56 FW/CC

This is to certify that I have received the foregoing debarment order in writing, and have read and fully understand it. I understand that my entry onto Luke AFB in violation of this order may result in civilian prosecution pursuant to 18 U.S.C. § 1382.

Received and signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, MR. JOHN D. DOE

2nd Ind, \_\_\_\_\_

MEMORANDUM FOR 56 FW/CC

This is to certify that I have served a copy of the foregoing letter in person to MR. JOHN D. DOE, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, \_\_\_\_\_ Representative